



COMMONWEALTH OF KENTUCKY  
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**23-ORD-189**

July 27, 2023

In re: Roydale Holt/Russellville Police Department

**Summary:** The Russellville Police Department (the “Department”) did not violate the Open Records Act (“the Act”) when it issued a response granting a request within five business days of receiving the request.

***Open Records Decision***

On June 11, 2023, inmate Roydale Holt (“Appellant”) submitted a request to the Department containing four categories of records related to his criminal case.<sup>1</sup> On June 27, 2023, the Appellant initiated this appeal, claiming the Department had failed to issue a timely response and to provide the documents he requested.

If an agency receives a request under the Act, it “shall determine within five (5) [business] days . . . *after the receipt* of any such request whether to comply with the request and shall notify in writing the person making the request, within the five (5) day period, of its decision.” KRS 61.880(1) (emphasis added). Here, the Appellant claims he submitted a request to the Department on June 2, 2023, and that it “failed to respond within [*sic*] allotted time of five (5) days.” However, on appeal, the Department asserts it did issue a timely response to the Appellant’s request. The Department states that it received the Appellant’s request on June 15, 2023, and provides proof that on June 19, 2023, it mailed its response stating it would grant his

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<sup>1</sup> Specifically, the Appellant sought: (1) all documents, emails, or reports related to the criminal case; (2) all laboratory, forensic, or any other testing evidence; (3) all recorded statements and interviews; and (4) all body worn camera footage.

request once the Appellant prepays the applicable copying fee.<sup>2</sup> *See* KRS 61.872(3) (b) (requiring an agency to mail copies of records “upon receipt of all fees and the cost of mailing”). To the extent the Appellant claims he never received the Department’s response, this Office has found it cannot resolve factual disputes between the parties to an open records appeal, such as whether the requester actually received the agency’s response. *See, e.g.*, 23-ORD-062; 22-ORD-024; 21-ORD-233; 21-ORD-163. Thus, the Department did not violate the Act when it issued a response granting the Appellant’s request within five business days of receiving it.

A party aggrieved by this decision may appeal it by initiating an action in the appropriate circuit court under KRS 61.880(5) and KRS 61.882 within 30 days from the date of this decision. Under KRS 61.880(3), the Attorney General shall be notified of any action in circuit court, but shall not be named as a party in that action or in any subsequent proceedings. The Attorney General will accept notice of the complaint emailed to OAGAppeals@ky.gov.

**Daniel Cameron**  
**Attorney General**

s/ Matthew Ray  
Matthew Ray  
Assistant Attorney General

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Distributed to:

Roydale Holt #315214  
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<sup>2</sup> The Department states it copied the records to a USB drive that cost \$10. Under KRS 61.874(3), the applicable copying fee is the “actual cost” to reproduce the records. As of June 30, 2023, the Department had yet to receive the \$10 or any further communication from the Appellant.